

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

**Road-Con, Inc.; Neshaminy
Constructors, Inc.; Loftus Construction,
Inc.; PKF-Mark III, Inc.; and Scott A.
LaCava,**

Plaintiffs,

v.

City of Philadelphia; and James Kenney,
in his official capacity as mayor of the City
of Philadelphia,

Defendants.

Case No. 2:19-cv-01667-JS

[PROPOSED] FINAL JUDGMENT

1. Judgment is entered in favor of defendants the City of Philadelphia and Mayor James Kenney, as well as intervenor-defendants Mechanical Contractors Association of Eastern Pennsylvania, Inc. d/b/a Mechanical and Service Contractors Association of Eastern Pennsylvania and National Electrical Contractors Association, Penn-Del-Jersey Chapter, and judgment is entered against plaintiffs Road-Con, Inc., Neshaminy Constructors, Inc., Loftus Construction, Inc., PKF-Mark III, Inc., and Scott A. LaCava on the claims brought under the Equal Protection Clause; article I, sections 28 and 29 of the Pennsylvania Constitution; 42 U.S.C. § 1981; and the Philadelphia City Charter.

2. Judgment is entered in favor of plaintiffs Road-Con, Inc., Neshaminy Constructors, Inc., Loftus Construction, Inc., PKF-Mark III, Inc., and Scott A. LaCava, and judgment is entered against defendants the City of Philadelphia and Mayor James Kenney, as well as intervenor-defendants Mechanical Contractors Association of Eastern Pennsylvania, Inc.

d/b/a Mechanical and Service Contractors Association of Eastern Pennsylvania and National Electrical Contractors Association, Penn-Del-Jersey Chapter, on the claims brought under Pennsylvania's competitive-bidding laws. The Court awards the following relief:

The Court **DECLARES** that the project labor agreements imposed on the Runway Project¹ and the 15th Street Bridge Project² violate Pennsylvania's competitive-bidding laws, including section 3911(a) of the Commonwealth Procurement Code; and

3. The plaintiffs' First Amendment claims are dismissed for lack of subject-matter jurisdiction.

Dated: _____

JUAN R. SÁNCHEZ
UNITED STATES DISTRICT JUDGE

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1. City Bid Solicitation No. B1904626, PW Bid For PNE-0340.24 Runway 6-24 Pavement Rehabilitation - Package 2.
 2. Bid Solicitation B1904805.